

A091 (Rev. 8/01) Criminal Complaint

Clerk, U.S. District Court
Southern District of Texas
FILED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

JUL 26 2016

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

Jessica Lynn LOPEZ

CRIMINAL COMPLAINT

Case Number: C-16-947M-1

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 7/24/2016 in Brooks County, in the
(Date)

Southern District of Texas defendant(s) Jessica Lynn LOPEZ

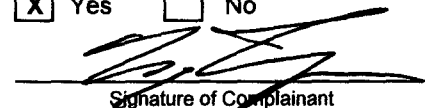
did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the
following facts: Official Title

See Attached Affidavit of U.S. Border Patrol Agent Warren Thompson

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

Warren Thompson
Printed Name of Complainant

Sworn to before me and signed in my presence,
and probable cause found on:

July 26, 2016

Date

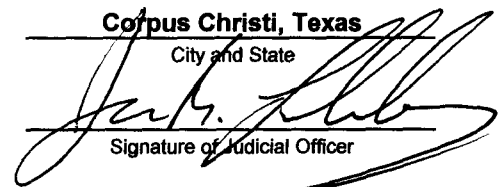
Jason B. Libby, U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State


Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

SYNOPSIS:

On July 24, 2016 Jessica Lynn LOPEZ was encountered at the Falfurrias, Texas Border Patrol Checkpoint. During an immigration inspection it was determined that three of the occupants in the vehicle driven by LOPEZ were illegal aliens. LOPEZ was arrested and charged with transporting illegal aliens by use of a motor vehicle.

FACTS/PROBABLE CAUSE:

At approximately 9:00 P.M. Border Patrol Agent (BPA) C. Gonzalez conducted an immigration inspection of the occupants in a Buick Rendezvous. The driver, Jessica Lynn LOPEZ, advised the agent that she was a United States Citizen. BPA Gonzalez then questioned the front and rear passengers, later identified as Areli HERNANDEZ-Aviles, Ramon QUINTERO-Davila, and Emmanuel MARCELINO-Hernandez, as to their citizenship. BPA Gonzalez was not satisfied with the responses provided by HERNANDEZ, QUINTERO, and MARCELINO and returned to questioning the driver. LOPEZ stated that she was traveling to Corpus Christi. LOPEZ identified HERNANDEZ as her boyfriend. BPA Gonzalez then asked LOPEZ how she knew the back seat passengers (QUINTERO and MARCELINO). LOPEZ stated that one of them was her father-in-law. BPA Gonzalez then referred the vehicle to the secondary inspection area for a further immigration inspection.

Once in secondary, BPA N. Yanez determined that HERNANDEZ, MARCELINO, and QUINTERO were illegally present in the United States. LOPEZ and the three illegal aliens were placed under arrest at that time.

MIRANDA RIGHTS WARNING/STATEMENTS:

Jessica Lynn LOPEZ was provided with her Miranda Rights and acknowledged her understanding by signing the form accordingly. LOPEZ agreed to provide a statement to the Border Patrol Agents at that time.

LOPEZ stated she was coming from her home in Mission, Texas and was going to Corpus Christi, Texas to drop off all three adult males. LOPEZ stated that she was driving the three males to Corpus Christi as a favor for a friend named "TANYA. LOPEZ stated that she picked the male subjects up from a gas station in the valley. LOPEZ advised that she was taking them to Corpus Christi so that one of the men could see his sick wife. LOPEZ did not know which Hospital she was taking them to. LOPEZ admitted that she told the illegal aliens to tell the Border Patrol Agents that they were United States Citizens. LOPEZ claimed that she believed they were ok because one of them spoke English. LOPEZ stated that she was being sarcastic when she claimed HERNANDEZ to be her boyfriend and the other to be her father-in-law.

STATEMENTS BY MATERIAL WITNESS:

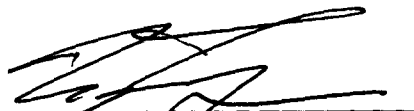
Areli HERNANDEZ-Aviles was provided with his Miranda Rights and agreed to provide a statement to the Border Patrol Agents.

HERNADEZ initially stated that he had only asked LOPEZ for a ride to Corpus Christi and that he did not believe LOPEZ knew that they were illegal. HERNANDEZ later recanted and provided the following in a sworn statement affidavit:

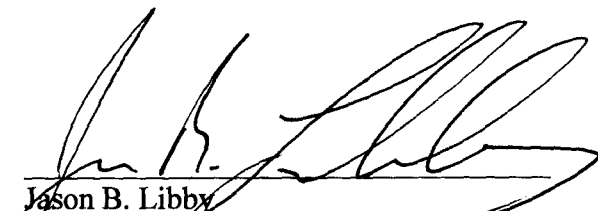
HERNANDEZ stated he was picked up by LOPEZ at a gasoline station in the valley along with his nephew (Emmanuel MARCELINO-Hernandez). HERNANDEZ stated he offered to pay LOPEZ \$1,000.00 US dollars to transport him and his nephew to Corpus Christi. HERNANDEZ stated LOPEZ agreed and told them to get inside the vehicle and instructed them on where to sit in the vehicle. HERNANDEZ stated they drove to a different gasoline station and picked up another male subject (QUINTERO). HERNANDEZ stated on the way to the checkpoint LOPEZ coached them on how to answer the questions from Border Patrol Agents at the checkpoint. HERNANDEZ stated he was going to pay LOPEZ the \$1,000 US dollars once arriving in Corpus Christi. HERNANDEZ stated he assumed LOPEZ knew they were illegally present in the United States because she coached them on how to respond to the questions from Border Patrol.

DISPOSITION:

The facts of this case were presented to Assistant United States Attorney Brittany Jensen who accepted Jessica Lynn LOPEZ for prosecution of 8 USC 1324, Alien Smuggling. Areli HERNANDEZ-Aviles and Emmanuel MARCELINO-Hernandez were held as material witnesses in this case.


Warren Thompson
Border Patrol Agent

Sworn to before me, signed in my presence, and
probable cause found on this 26th day of July 2016


Jason B. Libby
United States Magistrate Judge